

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOSE J. RAMIREZ, #19035089,

Petitioner,

v.

DSO; STATE OF TEXAS; and  
COUNTY OF DALLAS,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Case No. **3:20-CV-1671-L-BK**

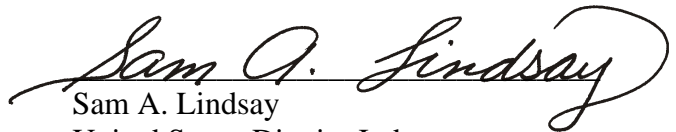
**ORDER**

On July 27, 2020, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 8) was entered, recommending that the court dismiss without prejudice this habeas action brought pursuant to 28 U.S.C. § 2241 for failure to exhaust administrative remedies. After the Report was filed, Petitioner filed two documents seeking miscellaneous relief. Even construing these documents as objections to the Report, the court determines, after having reviewed the pleadings, file, record in this case, and Report, and conducting a de novo review of that portion to which objection was made, that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Petitioner’s objections and **dismisses without prejudice** this action for failure to exhaust administrative remedies.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit

and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 28th day of August, 2020.

  
Sam A. Lindsay  
United States District Judge